

Application No.: 09/849,452
M. Lassner *et al.*
Page 5 of 7

Attorney Docket No: 0137.210US

REMARKS

Status of the Claims

Claims 1-93 and 105-128 were previously canceled by way of the amendment filed May 14, 2003, and claims 94, 98, 100-103, and 129-130 are canceled by way of the present amendment, without prejudice to subsequent renewal or filing in one or more continuation or divisional applications. Claims 95-97, 99, 104, 131, and 132 are pending by way of the present amendment.

To expedite prosecution, claims 95, 99, 104, 131, and 132 are amended herein to incorporate all of the limitations of the claims from which they previously depended. These amendments add no new matter. Please note that Applicants reserve the right to file subsequent applications claiming any of the canceled subject matter, and that the claim amendments and cancellations should not be construed as abandonment of any presently or previously claimed subject matter or agreement with any objection or rejection of record.

Information Disclosure Statement

Applicants note with appreciation the Examiner's thorough consideration of the seven references which were originally missing from the IDS, and were provided in the response filed May 14, 2003, as evidenced by the initialed and signed copies of the Form 1449 pages 1-5 (in which previously-considered references had been crossed out to avoid duplication) included with the Office Action.

Objection to the Specification

The disclosure was objected to due to the presence of abbreviations in the Brief Description of the Figure which were not defined. The specification is amended herein to include the meanings of the abbreviated terms in the figure. Withdrawal of the objection is respectfully requested.

Application No.: 09/849,452
M. Lassner *et al.*
Page 6 of 7

Attorney Docket No: 0137.210US

Rejection under 35 USC §112 paragraph 2

Claim 100 was rejected under 35 USC 112 paragraph 2 for indefiniteness. Claim 100 is canceled herein, rendering this rejection moot.

Rejection under 35 USC §102

Claims 94, 100-103, 129 and 130 were rejected under 35 USC § 102(b) as allegedly being anticipated by each of the cited references. Claims 94, 100-103, 129 and 130 are canceled herein, rendering this rejection moot.

Rejection under 35 USC §103(a)

Claim 98 was rejected under 35 USC § 103(a) as allegedly being unpatentable over the cited combinations of references. Claim 98 is canceled herein, rendering this rejection moot.

Objections to the Claims – Allowable Subject Matter

Claims 95-97, 99, 104, and 131-132 were objected to as being dependent upon a rejected claim. The Examiner indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 95 has been amended to an independent claim incorporating all the limitations of claim 94 from which it depended. Claims 96 and 97 have not been amended herein but depend from amended claim 95. Claims 99, 131, and 132 are amended herein to depend from claim 95. Claim 104 is amended herein to incorporate all of the limitations of claims 101 and 103 from which it previously depended. In light of the above, Applicants submit that the pending claims are allowable and request that the claim objections be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe the claims pending in this application are in condition for allowance. Early notification to that effect is earnestly solicited.

Application No.: 09/849,452

Attorney Docket N : 0137.210US

M. Lassner *et al.*

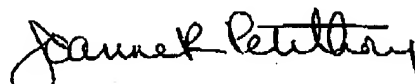
Page 7 of 7

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (650) 298-5452.

Maxygen, Inc.
Intellectual Property Dept.
515 Galveston Drive
Redwood City, CA 94063
Customer Number 30560

Phone: (650) 298-5452 (direct)
(650) 298-5300 (main)
Fax: (650) 298-5446

Respectfully submitted,



Joanne R. Petithory, Ph.D.
Reg. No. 42,995